

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARK FIELDS,

Plaintiff,

v.

SHEILA A. VENABLE, et al,

Defendants.

Civil Action No. 13-7134 (JAP)

MEMORANDUM AND ORDER

IT APPEARS THAT:

1. This matter was previously administratively terminated because Plaintiff failed to either pay the \$400 fee for filing a civil complaint (a filing fee of \$350 plus an administrative fee of \$50, for a total of \$400) or submit any materials in application to proceed *in forma pauperis* as required by 28 U.S.C. § 1915(a)(1), (2).
2. Plaintiff has now filed an application to proceed *in forma pauperis* and a Motion [ECF No. 4] to appoint counsel.
3. Indigent persons raising civil rights claims have no absolute constitutional right to counsel. *See Parham v. Johnson*, 126 F.3d 454, 456-57 (3d Cir. 1997). In determining whether to appoint counsel, a court considers the following: (1) the plaintiff's ability to present his or her own case; (2) the complexity of the legal issues; (3) the degree to which factual investigation will be necessary and the ability of the plaintiff to pursue such investigation; (4) the amount a case is likely to turn on credibility determinations; (5) whether the case will require the testimony of expert witnesses; and (6) whether the plaintiff can attain and afford counsel on his own behalf. *See Tabron v. Grace*, 6 F.3d 147, 155-56, 157 n.5 (3d Cir. 1993); *see also Cuevas v. United*

States, 422 F. App'x 142, 144-45 (3d Cir. 2011) (per curiam) (reiterating the *Tabron* factors) Applying these factors to this case, the Court will deny plaintiff's request for the appointment of counsel at this time. The Court notes that should the need for counsel arise, it will appoint an attorney *sua sponte*.

THEREFORE, it is on this 1st day of May, 2014;

ORDERED that the Clerk of the Court shall reopen the file by making a new and separate entry on the docket; and it is further

ORDERED that Plaintiff's Motion [ECF No. 4] to appoint counsel is hereby DENIED.

/s/ Joel A. Pisano
JOEL A. PISANO
United States District Judge